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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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307,018,308

07/01/91

ELLIOTT

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011-0000

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1702/0410

EXAMINER

ART UNIT

PAPER NUMBER

3028

DATE MAILED:

06/10/90

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/299,859

Applicant(s)  
Elliott et al

Examiner  
James Hewitt

Group Art Unit  
3628



☒ Responsive to communication(s) filed on 26 Apr 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-23 is/are pending in the applicant

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-23 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 line 6, "support" should be --rail--.

Claim 6 line 2, the phrase "support. stitched together" is unclear.

Claim 7 line 2, "stitched together" with what?

Claim 8 line 2, it is unclear whether another cot is being claimed since "the connector" of another cot is recited; "the connector of another cot" lacks antecedent basis.

Claim 9 line 2, "the support apparatus" should be --the cot apparatus--; line 3, it is unclear whether the ground is being claimed.

Claim 10 line 2, it is unclear whether a different cot apparatus is being claimed.

### *Claim Rejections - 35 USC § 103*

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (US 5,003,649) in view of Gilfillan (US 2,670,478).

Kelly teaches a nestable cot (C1) having a web of material on which the occupant of the cot can lay. The web is attached to a frame (F) which includes a plurality of rods (R1-R4) one of which extends along each side of the web. The material along each side and end of the web is folded back over on itself to form an open selvage with the two layers sewn together to form sleeves (S1-S4). End connectors are provided for connecting respective ends of adjacent rods to interconnect the rods and complete the frame. The frame is assembled without the use of tools. Each connector includes an elongate housing (7) having an opening (25, 27) at each end in which respective ends of adjacent rods are received. The cot is supported in an elevated position by a pedestal (33) formed intermediate the length of the housing. A pad (79) is attachable to the bottom of the pedestal to provide a greater height to the pedestal and to create greater clearance between the cots when stacked. Kelly does not teach that the web of material includes a detachable fastener for removably and selectively coupling the material to the frame. Gilfillan teaches a collapsible cot having a frame with a plurality of tubes which are joined by corner pieces including legs end caps. The material on which a person is to lay is a heavy textile fabric,

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like canvas. At each side and one end seams are sewn by folding the canvas over itself to form channels in which the tubes are received. The other end includes grommets and is attached to the associated end tube by a sash cord. This fastening means is not of the hook and loop type, however is just as conventional. Moreover, on pages 6 and 7 of the specification of the instant invention, "In alternative embodiments, as should be apparent to those skilled in the art, different types of appropriate detachable fasteners such as zippers, snaps, quick-releases and the like can be utilized in place of the interlocking hook and loop fabric..." It would have been obvious to the skilled artisan at the time of the invention to modify one end of Kelly's cot with a detachable fastener assembly as taught by Gilfillan in order to provide quicker disassembly of parts.

The Examiner also contends that incorporating a detachable fastener on one end of a cot such as Kelly's would have been an obvious matter of design choice since Kelly teaches a detachable component assembly whereby the fabric support is just as easily removed as a support having a detachable fastener thereon. The only difference allowed by having a support with a detachable fastener is the ability to attach or detach the support before and after, respectively, the cot has already been assembled. There is no advantage gained from this, and the assembly of a cot without such a fastener, like Kelly, may even require less time to assemble/disassemble because there is no fastener to be concerned with. The cot of the instant invention would function just as well without the detachable fastener and at that end it was attached to the associated rail in the same manner as are the sides.


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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mendenhall (US 4,958,390) discloses a rest cot assembly. Carroll et al (US 5,257,428) discloses a collapsible hospital bed having attachable casters. Giles (US 2,226,606) discloses a foldable bed. Sheney (US 1,457,232) discloses a portable sectional camp cot. Hooper (US 3,839,754) discloses a folding baby cot. De Long (US 2,924,830) discloses a nesting furniture structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Hewitt whose telephone number is (703) 305-0552. The fax number is (703) 305-3597/8. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

JMH

3/31/00

  
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